UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS **DALLAS DIVISION**

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REPLY IN SUPPORT OF PLAINTIFF GW EQUITY'S EMERGENCY MOTION TO FOR EXPEDITED PROCEEDINGS

Plaintiff GW Equity ("GW Equity") files this reply in support of its motion to expedite the trial on the merits and to expedite all pretrial proceedings in this case. In support of its reply, GW Equity states the following:

ARGUMENT

This Court should grant GW Equity's motion to expedite proceedings because it has demonstrated sufficient good cause to support such a request. GW Equity seeks an expedited schedule of all proceedings in this case in an effort to resolve the pending dispute between the parties in the most efficient and expedient manner possible. Because GW Equity's damages grow each day that the false and misleading statements remain on Defendants' websites, expedited proceedings are required to minimize the amount of damages it continues to suffer.

GW Equity seeks expedited proceedings due to the unique nature of the harm it experiences on a daily basis. There can be no question that where a plaintiff sustains new losses

each day due to defendants' false and misleading statements about a plaintiff, an expedited schedule is warranted to protect a plaintiff's rights. Here, GW Equity has absolutely no ability to mitigate the damage because it has no control over who views the false and misleading information posted on Defendants' websites. More importantly, GW Equity has no ability to counteract the perceptions formed by potential clients who read the false and misleading information on the websites. This continuing and unmanageable harm creates the emergency nature of this motion.

Expedited proceedings in this case will not prejudice or burden Defendants. Indeed, any detriment Defendants may experience pales in comparison to the harm GW Equity will experience if this case is not resolved quickly. Although Defendants attempt to characterize this case as "complex," a review of the factual and legal issues presented in GW Equity's pleadings paint an entirely different picture. The instant case presents straightforward legal issues. The parties will only need to call a small number of witnesses at trial. Furthermore, the parties can seek discovery in an expeditious manner as each of their discovery requests will likely not be onerous.

Even if this Court does not agree with the proposed discovery deadline and trial date as set forth in GW Equity's motion, it respectfully requests that this Court order this case to proceed on an expedited basis and enter a scheduling order setting a trial date immediately. Expediting proceedings here is both necessary and appropriate under the circumstances and this Court should allow the parties to proceed ahead with discovery as soon as practicable.

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¹ In their brief, Defendants point out that GW Equity has not filed its Rule 26 mandatory disclosures and its RICO case statements. Nevertheless, GW Equity is prepared to file such papers with the Court as soon as it receives a ruling on its motion and discovery moves forward.

CONCLUSION

For the reasons state above, GW Equity requests that the Court grant its motion for expedited proceedings.

Dated: August 22, 2007 Respectfully submitted,

/s/ John T. Cox III_

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing was served upon the following counsel via ECF on August 22, 2007.

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